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2022 DEC 20 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

2022 DEC 19 PM 7:35  
U.S. DISTRICT COURT S.D.N.Y.

SERGEI CHEPILKO

Write the full name of each plaintiff.

-against-

MICHAEL LOEFFEL,  
Louis BARBARELLI, in their  
individual and official  
capacities.

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

21 CV 11229 (ALC)

(Include case number if one has been assigned)

**AMENDED  
COMPLAINT**

Do you want a jury trial?

Yes  No

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

Federal Question

Diversity of Citizenship

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

DEFENDANT'S VIOLATED PLAINTIFF'S FIRST  
AMENDMENT RIGHTS, 42 U.S.C. § 1983

### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, \_\_\_\_\_, is a citizen of the State of  
(Plaintiff's name)

\_\_\_\_\_  
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, \_\_\_\_\_, is a citizen of the State of  
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_.

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of

the State of \_\_\_\_\_

and has its principal place of business in the State of \_\_\_\_\_

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

SERGEI

M.

CHEPILKO

First Name

Middle Initial

Last Name

49 MURDOCK COURT, APT. 5F

Street Address

BROOKLYN

NEW YORK

11223

County, City

State

Zip Code

929-417-9001

CHEPILKO@ADL.COM

Telephone Number

Email Address (if available)

### B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

<u>MICHAEL</u>	<u>LOEFFEL</u>	<u>, TAX No 947182</u>
First Name	Last Name	
<u>POLICE OFFICER OF NEW YORK CITY POLICE(NYPD)</u>		
Current Job Title (or other identifying information)		
<u>5<sup>th</sup> PRECINCT, 19 ELIZABETH STREET</u>		
Current Work Address (or other address where defendant may be served)		
<u>NEW YORK</u>	<u>NEW YORK</u>	<u>10013</u>
County, City	State	Zip Code

Defendant 2:

<u>Louis</u>	<u>BARBARELLI</u>
First Name	Last Name
<u>LIEUTENANT OF NYPD , TAX No. 932298</u>	
Current Job Title (or other identifying information)	
<u>5<sup>th</sup> PRECINCT, 19 ELIZABETH STREET,</u>	
Current Work Address (or other address where defendant may be served)	
<u>NEW YORK</u>	<u>NEW YORK</u>
County, City	State
<u>110013</u>	
Zip Code	

Defendant 3:

<u> </u>	
First Name	Last Name
Current Job Title (or other identifying information)	
Current Work Address (or other address where defendant may be served)	
County, City	State
<u> </u>	
Zip Code	

Defendant 4:

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Current Job Title (or other identifying information) \_\_\_\_\_

Current Work Address (or other address where defendant may be served) \_\_\_\_\_

County, City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**III. STATEMENT OF CLAIM**

Place(s) of occurrence: WEST 50<sup>th</sup> STREET at the ROCKEFELLER CENTER,  
NEW YORK.

Date(s) of occurrence: DECEMBER 29, 2018

**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

1. PLAINTIFF AS A PHOTOGRAPHER FOR HIRE HOLD PLACARD WITH THE SAMPLES OF PHOTOGRAPHS AT THE CURBSIDE OF PEDESTRIAN WALK OF WEST 50<sup>th</sup> STREET.
2. DEFENDANTS APPROACHED PLAINTIFF, DEMANDED TO SHOW LICENSE TO SELL PHOTOGRAPHS, AND TOLD HIM THAT IT WAS PROHIBITED TO SELL ON THE TERRITORY OF PRIVATE PROPERTY OF the ROCKEFELLER CENTER.
3. PLAINTIFF VERBALLY OBJECTED TO THE UNLAWFUL DEFENDANT'S DEMANDS.
4. LIEUTENANT BARBARELLI ORDERED P.O. LOEFFEL TO ISSUE TICKET TO CRIMINAL COURT, TO TAKE PLAINTIFF'S BAG, AND ALSO THREATENED PLAINTIFF WITH ARREST.
5. DESK APPEARANCE TICKET LATER WAS DISMISSED.

### CAUSES OF ACTION

1. VIOLATION OF PLAINTIFF'S FIRST AMENDMENT RIGHTS.
2. MALICIOUS PROSECUTION.
3. UNLAWFUL TAKING OF PLAINTIFF'S PROPERTY.
4. FRAUDULENT MISREPRESENTATION.
5. INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS.

### **INJURIES:**

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

1. INFILCTION OF EMOTIONAL DISTRESS.
2. LOSS OF INCOME.

### **IV. RELIEF**

State briefly what money damages or other relief you want the court to order.

1. PLAINTIFF DEMANDS MONEY DAMAGES IN THE AMOUNT TO BE DETERMINED by the JURY.
2. OTHER RELIEFS which COURT FINDS just and proper.

## V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>12/19/2022</u>	<u>S. Chepilko</u>	
Dated	Plaintiff's Signature	
<u>SERGEI</u>	<u>CHEPILKO</u>	
First Name	Middle Initial	Last Name
<u>49 MURDOCK COURT, Apt. 5F</u>		
Street Address		
<u>BROOKLYN</u>	<u>NY</u>	<u>11223</u>
County, City	State	Zip Code
<u>929-417-9001</u>		
Telephone Number		
<u>CHEPILKO @ AOL.COM</u>		
Email Address (if available)		

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes    No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SERGEI CHEPILKO

(List the name(s) of the plaintiff(s)/petitioner(s).)

21 Civ. 11229 (ALC) ( )

- against -

MICHAEL LOEFFEL,  
Louis Barbarelli.

AFFIRMATION OF SERVICE

(List the name(s) of the defendant(s)/respondent(s).)

I, (print your name) SERGEI CHEPILKO, declare under penalty of perjury that I served a copy of the attached (list the names of the documents you served):

AMENDED COMPLAINT.

upon all other parties in this case by (state how you served the documents, for example, hand delivery, mail, overnight express) MAIL to the following persons (list the names and addresses of the people you served): Z. Kalmbach,  
100 Church Street, NY, NY, 10007

on (date you served the document(s)) 12/19/2022.

12/19/2022  
Dated

S. Chepilko.

Signature 49 MURDOCK CT. APT. SF  
Address BROOKLYN, NY  
City, State 11223  
Zip 929-417-9001  
Telephone Number CHEPILKO@ AOL.COM  
E-Mail Address

Align top of FedEx Express® shipping label here.

FROM: Sergei CHEFILKO  
49 Mepack Ct., 5F  
Brooklyn, NY 11223

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SDNY PRO SE OFFICE

2022 DEC 20 AM 10:14

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U.S. DISTRICT COURT SDNY

# Envelope

To : PRO SE CLERK'S OFFICE  
USA DISTRICT COURT (SDNY)  
500 Pearl Str.  
New York NY 10007

